

Remarks:

Claims:

Claims 27-49 were pending. Claims 27-49 were subject to a six (6) way Restriction Requirement. In addition, claims 27-49 were subject to a unity of invention requirement, and the Examiner identified the inventions as follows: SEQ ID NOs: 1, 2, 3 or 4.

Claims 28, 30-31, 33, 36-37, 39-42 and 45-49 have been cancelled without prejudice as being drawn to a non-elected invention.

Claims 27, 43 and 44 have been amended to more particularly and distinctly claim the subject matter of Applicant's invention. Claim 38 has been amended to correct a typo. Support for the amendments is apparent, and no new matter is added.

Restriction

Applicant hereby elects to prosecute Group I (claims 27, 29, 32, 34, 35, 38, 43-44) without traverse. While the election of Group I is without traverse, Applicant reserves the right to traverse restriction requirements between the other asserted claim groups.

Distinct Inventions

Applicant hereby provisionally elects to prosecute SEQ ID NO:2 with traverse. Applicant notes that "Markush practice" wherein a single claim defines alternatives is governed by Rule 13.2. Accordingly, the requirement of a technical interrelationship and the same or corresponding technical feature is fulfilled when the alternatives for the chemical compounds are of a similar nature. Applicants submit that SEQ ID NO:2 and SEQ ID NO:4 share (A) a common property or activity (i.e., both polypeptides can be used to diagnose Moraxella Catarrhalis infection, and also, have the same biological function as lipoproteins in the organism); and (B) share a significant structural element (In fact, SEQ ID NO:2 and SEQ ID NO:4 share an identity of more than 99.5%. See, for example, the alignment shown in Figure 2). Applicants therefore submit that SEQ ID NO:2 and SEQ ID NO:4 have fulfilled the criteria for being of similar nature.

Accordingly, reconsideration and withdrawal of the election requirement is respectfully requested.

In the Specification:

Applicant has provided a Brief Description of the Drawings section to conform with the arrangement of the specification specified in MPEP 608.01(a). The descriptions conform to the amended set of drawings which are submitted herewith. Support for the descriptions can be found in the original drawing figures. No new matter is added.

In addition, Applicant has herewith submitted an abstract of the disclosure on a separate paper as specified in MPEP 608.01(a). The abstract is from PCT/EP00/05854, and no new matter is added.

In the Drawings:

Entry of the enclosed replacement drawing figures is respectfully requested. Original Figure 1 has been amended to be relabeled as Figures 1A, 1B, 1C, 1D and 1E. Original Figure 2 has been amended to be relabeled as Figures 2A and 2B. The description from Figures 3A and 3B have been removed from the drawings. No new matter is added.

FEE DEFICIENCY

- ☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 50-0258.

and/or

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Closing Remarks

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

Respectfully submitted,



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